

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CR-20275-MARTINEZ

UNITED STATES OF AMERICA

vs.

LAVON MOSS JR.,

Defendant.

**MOTION FOR A PROTECTIVE ORDER
REGULATING DISCLOSURE OF DISCOVERY
AND SENSITIVE INFORMATION CONTAINED THEREIN**

Pursuant to Federal Rule of Criminal Procedure 16(d), the United States of America files this motion for a protective order regulating disclosure of the discovery materials in this case and certain sensitive information contained therein (the “Discovery”). This case aggravated identity theft and possession of fifteen or more unauthorized access devices. The discovery includes, among other things, a notebook with personal identifying information (“PII”) (“Sensitive Information”). Given the volume and format of Sensitive Information in this case, it is not practicable for the government to redact it. Accordingly, in order to ensure the protection of the Sensitive Information and to avoid the disclosure of this information to other individuals, the government requests that the Court enter an order regulating disclosure of discovery as follows:

1. The government is authorized to disclose Sensitive Information in its possession that the government believes necessary to comply with the discovery obligations imposed by this Court;
2. The government shall mark that portion of the Discovery that includes Sensitive Information as “Confidential,” which will be governed by the rules below.

3. With respect to the Confidential portion of the Discovery, the following rules shall apply:

a. Counsel of record for defendants in this proceeding shall hold the portion of the Discovery marked as Confidential by the government in strict confidence. Therefore, defense counsel shall restrict access to this discovery, and shall disclose this discovery to their client, office staff, investigators, and to anticipated fact or expert witnesses only to the extent that defense counsel believes is necessary to assist in the defense of their client in this matter and in a manner that will prohibit the disclosure of this discovery to other persons not involved in the defense;

b. Counsel of record for defendants shall inform any person to whom the portion of the Discovery marked as Confidential by the government is disclosed that such information shall be held in strict confidence, and that further disclosure or dissemination is prohibited without defense counsel's express consent; and

c. Counsel of record for defendants shall obtain a certification from each person to whom the Confidential portion of the Discovery is disclosed, in which the recipient (with the exception of office staff and investigators, the defendant, or any person or representative of a person identified in an affidavit or certification of records custodian as the source of the discovery materials being disclosed), (a) acknowledges these restrictions as set forth in the Protective Order of the Court, and (b) agrees that they will not disclose or disseminate the information without express consent of defense counsel. Counsel shall keep a copy of each certification to identify the individuals who received the Confidential portion of the Discovery and the date on which such information was first disclosed.

d. Counsel of record for defendants shall, upon conclusion of the above captioned case, destroy or return to the United States copies of the Confidential portion of the Discovery disclosed to defense counsel pursuant to the terms of this order.

Counsel for the United States conferred with defense counsel for LAVON MOSS JR., and counsel does not oppose the relief requested in this motion.

Respectfully submitted,

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UNITED STATES ATTORNEY

By: /s/ Yara Dodin
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 21, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Yara Dodin
YARA DODIN
Assistant United States Attorney